THE CODE OF CRIMINAL PROCEDURE (BOMBAY AMENDMENT) ACT, 1948.

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[THE CODE OF CRIMINAL PROCEDURE (BOMBAY AMENDMENT) ACT, 1948.]

[*10th April 1948.*]

An Act to amend the Code of Criminal Procedure, 1898, in its application to the Province of Bombay.

V of 1898. WHEREAS it is expedient to amend the Code of Criminal Procedure, 1898, in its application to the Province of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows :--

Short title and commencement.

1. (*1*) This Act may be called the Code of Criminal Procedure (Bombay Amendment) Act, 1948.

(*2*) It shall come into force on such date as the Provincial Government may by notification in the *Official Gazette* appoint.

Amendment of section 7 of Act V of 1898.

V of 1898. **2.** In section 7 of the Code of Criminal Procedure, 1898 (hereinafter called the said Code),—

(*a*) in sub-section (*1*), the brackets and words "(excluding the presidency-towns)" shall be deleted; and

(*b*) after sub-section (*1*), the following new sub-section shall be inserted, namely :—

Greater Bombay to be sessions division.

"(*1A*) For the purposes of this Code, Greater Bombay shall be a sessions division."

Amendment of heading "C" in Chapter II of Act V of 1898.

3. In Chapter II of the said Code, for the heading "*C—Courts and Offices outside the Presidency-towns*" the heading "*C—Court of Session for Greater Bombay and Courts and Offices outside Greater Bombay*" shall be substituted.

Amendment of section 267 of Act V of 1898.

4. In the marginal note of section 267 of the said Code after the words "High Court" and in section 267 of the said Code after the words "High Court" where they occur for the first time, the words "or the Court of Session for Greater Bombay" shall be inserted.

Amendment of section 268 of Act V of 1898.

5. In section 268 of the said Code, at the beginning the words and figures "Subject to the provisions of section 267" shall be inserted.

Amendment of section 269 of Act V of 1898.

6. In sub-section (*1*) of section 269 of the said Code, after the word "Session" the words "other than the Court of Session for Greater Bombay" shall be inserted.

Amendment of section 274 of Act V of 1898.

7. In section 274 of the said Code,—

(*a*) in sub-section (*1*), after the words "High Court" the words "or the Court of Session for Greater Bombay" shall be inserted; and

(*b*) in sub-section (*2*), for the words "before the Court" the words "before any other Court" shall be substituted.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette* 1948, Part V, page 12.

Amendment of section 276 of Act V of 1898.

8. In section 276 of the said Code, in clause *thirdly* of the proviso, after the words "of such High Court" the words "or before the Court of Session for Greater Bombay" shall be inserted.

Amendment of section 277 of Act V of 1898.

9. In sub-section (2) of section 277 of the said Code, after the words "High Court" the words "or the Court of Session for Greater Bombay" shall be inserted.

Amendment of section 296 of Act V of 1898.

10. In section 296 of the said Code, after the words "such Court" the words "or the Court of Session for Greater Bombay" shall be inserted.

Amendment of section 305 of Act V of 1898.

11. In the marginal note of section 305 and in sub-section (*1*) of section 305 of the said Code, after the words "High Court" the words "or the Court of Session for Greater Bombay" shall be inserted.

Amendment of section 306 of Act V of 1898.

12. In sub-section (*1*) of section 306 of the said Code, after the word "Session" the words "other than the Court of Session for Greater Bombay" shall be inserted.

Amendment of heading "*J*" in Chapter XXIII of Act V of 1898.

13. In Chapter XXIII of the said Code, in the heading "*J*"—

(*a*) after the words "*High Court*" the words "*and the Court of Session for Greater Bombay*" shall be inserted; and

(*b*) for the words "*that Court*" the words "*such Courts*" shall be substituted.

Amendment of section 312 of Act V of 1898.

14. In section 312 of the said Code, after the word "list" the words "for the High Court and the Court of Session for Greater Bombay" shall be inserted.

Amendment of section 315 of Act V of 1898.

15. In section 315 of the said Code, for the words "in the town which is the usual place sitting of each High Court" the words "of the High Court in the town which is the usual place of sitting of such High Court and for each sessions of the Court of Session for Greater Bombay" shall be substituted.

Amendment of heading "*K*" in Chapter XXIII of Act V of 1898.

16. In Chapter XXIII of the said Code, in the heading "*K*", after the words "*Court of Session*" the words "*other than the Court of Session for Greater Bombay*" shall be inserted.

Amendment of heading "*L*" in Chapter XXIII of Act V of 1898.

17. In Chapter XXIII of the said Code, in the heading "*L*", after the words "*High Courts*" the words "*and the Court of Session for Greater Bombay*" shall be inserted.

18. In section 333 of the said Code, after the words "before a High Court" the words "or the Court of Session for Greater Bombay" shall be inserted. Amendment of section 333 of Act V of 1898.

19. In the marginal notes of sections 354 and 356, the words "outside presidency-towns" shall be deleted. Amendment of sections 354 and 356 of Act V of 1898.

20. For the marginal note to section 373 of the said Code the marginal note "Copy of finding and sentence to be sent to District Magistrate or Commissioner of Police" shall be substituted and to section 373 of the said Code, the following proviso shall be added, namely:— Amendment of section 373 of Act V of 1898.

"Provided that the Court of Session for Greater Bombay shall send such copy to the Commissioner of Police for Greater Bombay."

21. In section 413 of the said Code,— Amendment of section 413 of Act V of 1898.

(*a*) after the words "High Court" the words "or the Court of Session for Greater Bombay" shall be inserted;

(*b*) for the words "a Court of Session" where they occur for the first time the words "any other Court of Session" shall be substituted; and

(*c*) after the words "Court of Session" where they occur for the second time the words "other than that for Greater Bombay" shall be inserted.

22. In sub-section (*1*) of section 435 of the said Code, after the words "any Sessions Judge" the words "other than the Sessions Judge of the Court of Session for Greater Bombay" shall be inserted. Amendment of section 435 of Act V of 1898.

23. In section 436 of the said Code, after the words "Sessions Judge" the words "other than the Sessions Judge of the Court of Session for Greater Bombay" shall be inserted. Amendment of section 436 of Act V of 1898.

24. In section 437 of the said Code, after the words "Sessions Judge" where they occur for the first time the words "other than the Sessions Judge of the Court of Session for Greater Bombay" shall be inserted. Amendment of section 437 of Act V of 1898.

25. In sub-section (*1*) of section 438 of the said Code, after the words "Sessions Judge" the words "other than the Sessions Judge of the Court of Session for Greater Bombay" shall be inserted. Amendment of section 438 of Act V of 1898.

26. In sub-section (*1*) of section 449 of the said Code, after clause (*c*) the following shall be inserted, namely:— Amendment of section 449 of Act V of 1898.

or,

(*d*) "a case is tried by jury in the Court of Session for Greater Bombay, which if it had been tried outside a Presidency-town, have been triable under the provisions of this Chapter,".

Amendment of section 554 of Act V of 1898.

27. In section 554 of the said Code, after sub-section (*1*) the following new sub-section shall be inserted, namely :—

Power of High Court of Bombay to make rules for Court of Session for Greater Bombay.

"(*1A*) With the previous sanction of the Provincial Government, the High Court of Judicature at Bombay may also make rules for regulating the practice and proceedings of the Court of Session for Greater Bombay."

Amendment of form No. XXVIII of Schedule V to Act V of 1898.

28. In form No. XXVIII—Charges—in Schedule V to the said Code, the brackets and words "[*when the charge is framed by a Presidency Magistrate, for* Court of Session *substitute* High Court]" shall be deleted.

Transitory provision.

29. Nothing in this Act shall affect any case, appeal or proceeding pending in the High Court on the date this Act comes into force and every such case, appeal or proceeding shall be tried, heard and disposed of as if this Act had not been passed.